

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ALEX RAUL ZAMARRON,

Plaintiff,

vs.

No. 1:21-cv-0919 RB/GJF

HERMANN MADRID, CENTRAL NEW
MEXICO CORRECTIONAL FACILITY,
SIMON RAMIREZ, MARY GALLEGOS,
ROBIN BOURNE, OSCAR CHACON,
GEORGE GARCIA, CHRIS ROMERO, JR.,
and DAVID VERRETT,

Defendants.

ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

THIS MATTER is before the Court on United States Magistrate Judge Gregory J. Fouratt's Proposed Findings and Recommended Disposition (PFRD) filed October 4, 2024. (Doc. 66.) Judge Fouratt examined Defendants' Partial Motion to Dismiss (Doc. 57) and recommends granting it in part (*see* Doc. 66). Judge Fouratt notified the parties of their ability to file objections no later than 14 days after the PFRD was filed. (*Id.* at 9.) More than three weeks have passed, and no party has filed objections. As no party filed objections within the time allowed, the Court concludes that appellate review has been waived.

IT IS THEREFORE ORDERED that the PFRD (Doc. 66) is **ADOPTED**;

IT IS FURTHER ORDERED that Defendants' Partial Motion to Dismiss (Doc. 57) is **GRANTED IN PART** as follows:

(1) The Court **DISMISSES WITH PREJUDICE** Claim II brought under 18 U.S.C. § 242; Zamarron may not reassert Claim II in his proposed amended complaint;

(2) The Court **DISMISSES WITHOUT PREJUDICE** all claims against Defendants Romero, Ramirez, Chacon, Verrett, Garcia, Bourne, and Gallegos; Zamarron may reassert the claims against these defendants in his proposed amended complaint¹;


(3) The Court **DISMISSES WITH PREJUDICE** all claims against CNMCF or NMCD, as Judge Fouratt explained in the PFRD (*see* Doc. 66 at 7–8); Zamarron may not reassert these claims against either entity;

IT IS FURTHER ORDERED THAT Zamarron’s Motion for/to Request to Amend Complaint is **DENIED WITHOUT PREJUDICE** for failure to attach a copy of the proposed amended complaint as required by D.N.M. LR-Civ. 15.1.

The Court will allow Zamarron leave to file a new motion to amend, taking care to attach the proposed amended complaint, no later than **December 2, 2024**;

IT IS FURTHER ORDERED that the Proposed Findings and Recommended Disposition filed October 3, 2024 (Doc. 65), which was superseded by the Revised PFRD filed October 4, 2024, should be **DENIED AS MOOT**.

IT IS SO ORDERED.


ROBERT C. BRACK
SENIOR U.S. DISTRICT JUDGE

¹ As Judge Fouratt outlined in the PFRD (*see* Doc. 5–7), it is particularly important in a § 1983 action that the plaintiff “make clear exactly *who* is alleged to have done *what to whom*, to provide each individual with fair notice as to the basis of the claim against him or her.” *Robbins v. Oklahoma*, 519 F.3d 1242, 1249–50 (10th Cir. 2008).